

Summary of H.125,
as recommended to be amended by the Senate Government Operation Committee

This is a summary of H.125, an act relating to boards and commissions, as passed by the House and recommended to be amended by the Senate Government Operation Committee (“SGO”). This bill serves as a vehicle for the Sunset Advisory Commission’s 2023 recommendations. This bill namely repeals or prospective repeals various boards and commissions. The bill sections are organized by title order. 120 pages of the 141 pertain to the repeal of two boards, the Board of Health and the Natural Gas and Oil Resources Board. SGO recommends five instances of amendment, which have been noted in *italics* below for reference.

* * * Government Accountability Committee * * *

Sec. 1. REPEAL OF GOVERNMENT ACCOUNTABILITY COMMITTEE

- Repeals the Government Accountability Committee on passage.

Sec. 2. GOVERNMENT ACCOUNTABILITY; LEGISLATIVE INTENT

- “It is the intent of the General Assembly that the House and Senate Committees on Government Operations should reexamine the principle of government accountability with a focus on how evidence is used to inform policy, how information is publicly conveyed, and the Committees should propose statutory amendments as needed to accomplish these goals.”
- Rep. Jessica Brumsted provided written testimony given to the Sunset Advisory Commission on 11/16/22: [Government Accountability Committee Written Testimony](#)

Sec. 2a. GOVERNMENT ACCOUNTABILITY; SUMMER GOVERNMENT ACCOUNTABILITY COMMITTEE; REPORT

- Creates the Summer Government Accountability Committee, consisting of four members of the House and four members of the Senate. The Committee will consider the issue of accountability in the Legislative Branch, including: (1) ways to ensure that the Legislative Branch is accountable to the people of Vermont by creating new processes and metrics by which to measure accountability; (2) ways to ensure equity in pay across commissions, boards, and joint legislative committees based on the nature of the service and required skill level; and (3) codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees. The Committee will report on these items by January 15, 2024, and will sunset on November 1, 2024.
- Note: *SGO recommends that an additional issue be considered “(3) ways to ensure equitable participation on boards and commissions and in any public engagement process mandated by the State or General Assembly by providing appropriate compensation and material support.” The prior subdivision (3) will become subdivision (4).*

*** State Boards and Commissions Registry ***

Sec. 3. 3 V.S.A. § 116a

§ 116a. STATE BOARDS AND COMMISSIONS REGISTRY

- Revision from Director Tanya Marshall, State Archivist & Chief Records Officer which reduces the number of items to be tracked by the State Archivist.
- Director Tanya Marshall provided written testimony given to the Sunset Advisory Commission on 11/16/22: [Written Testimony](#)

*** Vermont Pension Investment Commission ***

Sec. 4. 3 V.S.A. § 522

§ 522. VERMONT PENSION INVESTMENT COMMISSION

- Amendments made to make Commission more independent from the Treasurer.
- Tom Golonka, Chair of the Vermont Pension Investment Committee, submitted written testimony submitted to the Sunset Advisory Board on 9/21/22: [Vermont Pension Investment Commission Completed Questionnaire](#)
- Note: *SGO recommends that the House's amendment to have the "Chair of the Commission be compensated from the funds at a level determined by the other members of the Commission," instead have the Chair "be compensated from the funds at a level as recommended by the other members of the Commission and approved through the State budget process."*

*** Commission on Women Quorum ***

Sec. 4a. 3 V.S.A. § 5025

- Will amend the modify the quorum requirements for the Commission on Women from nine members to "a majority of the currently appointed members of the Commission."
- Note: *SGO recommends that this new section, Sec. 4a, and reader assistance heading be added to the bill.*

*** Repeal of Agricultural Finance Program Advisory Panel ***

Sec. 5 amends 10 V.S.A. § 213.

- Vermont Economic Development Authority submitted written testimony submitted to the Sunset Advisory Board on 8/22/22: [Submitted Questionnaire](#)

*** Repeals of Coalition for Healthy Activity, Motivation, and Prevention Programs (CHAMPPS) and Fit and Healthy Advisory Council ***

Sec. 6. REPEAL OF COALITION FOR HEALTHY ACTIVITY, MOTIVATION, AND PREVENTION PROGRAMS (CHAMPPS)/FIT AND HEALTHY ADVISORY COUNCIL

- No questionnaire; David Englander, Senior Policy & Legal Advisor, Department of Health, testified on this topic on 10/13/22.

*** Repeal of Birth Information Network Advisory Committee ***

Sec. 7. 18 V.S.A. chapter 20

CHAPTER 20. BIRTH INFORMATION NETWORK

- No questionnaire; David Englander, Senior Policy & Legal Advisor, Department of Health, testified on this topic on 10/13/22.

*** Repeal of Board of Health; Conforming Revisions ***

Sec.s 8 – 131, ~75 pages. Replaces references to the Board with either the Commissioner or Department of Health.

- Transfer of rulemaking authority is in Sec. 131, pg. 81.
- Sec. 117 (amending 18 V.S.A. § 4234) shall take effect on July 2, 2023 because there is pending amendment language that will become effective on July 1, 2023.
- David Englander, Senior Policy and Legal Advisor, Department of Health provided written testimony to the Sunset Advisory Commission on 10/6/22: [Board of Health Completed Questionnaire](#)
- Note: In Sec. 101, 18 V.S.A. § 4201, was amended by striking out subsection (45) in its entirety and inserting in lieu thereof a new subsection (45) to read as follows: (45) “Benchmark unlawful dosage” means the maximum recommended therapeutic dose, or maximum daily dose, as determined by the Department by rule.

*** Prospective Repeal of Nuclear Decommissioning Citizens Advisory Panel ***

Sec. 132. PROSPECTIVE REPEAL OF NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL

- To be repealed on January 1, 2030.
- June Tierney, Commissioner, Department of Public Service, provided written testimony to the Sunset Advisory Commission on 9/21/2022: [Nuclear Decommissioning Citizens Advisory Panel Completed Questionnaire](#)

*** Regional Emergency Management Committees Quorum ***

Sec. 132a. 20 V.S.A. § 6

- Will codify Regional Emergency Management Committees’ ability to “vote annually, at the committee’s final meeting of the calendar year, to modify its quorum requirement for meetings in the subsequent year; provided, however, that the quorum shall be not fewer than 20 percent of voting members.”

Sec. 132b. INTERIM QUORUM

- Will temporarily lower the quorum of these committees to “not fewer than five voting members” until either December 31, 2023 or the adoption of another quorum requirement pursuant to 20 V.S.A. § 6, as amended.
- Note: *SGO recommends that these Secs. 132a and 132b, and a reader assistance heading, be added to the bill. (As passed out by SGO, these sections were erroneously written as 123a and 123b; this has since been corrected by the Senate Secretary’s Office.)*

*** Repeal of Vermont Prescription Drug Advisory Council ***

Sec. 133. REPEAL OF VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

- No questionnaire was submitted.

*** Vermont Employment Security Board ***

Sec. 134. 21 V.S.A. § 1302 is amended

- Adjusted membership.
- No questionnaire; inserted after Sunset Advisory Commission discussion on 11/16/22.

*** Repeal of Natural Gas and Oil Resources Board and Statutory Framework ***

Sec. 135. 29 V.S.A. chapter 14

- Only one Sec., but runs 44 pages.
- Repeals all but prohibition language for hydraulic fracturing in the State in §571.
- Kept in all the struck-through language to emphasize to legislators the potential significance of what is being removed and, in which case, to spark review and replacement of these sections.
- ANR's written testimony submitted to the Sunset Advisory Board on 9/21/22: [Vermont Agency of Natural Resources: Natural Gas and Oil Resources Board Completed Questionnaire](#)

*** Repeal of Review Board on Retail Sales ***

Sec. 136. REPEAL OF REVIEW BOARD ON RETAIL SALES

- T. J. Poor, Director of Regulated Utility Planning Division, Department of Public Service, provided written testimony to the Sunset Advisory Commission on 10/6/22: [Review Board on Retail Sales Completed Questionnaire](#)

*** Prospective Repeal of Clean Energy Development Board ***

Sec. 137. 30 V.S.A. § 8015

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

- Will not become effective until June 30, 2025, sunset date for this board.
- T. J. Poor, Director of Regulated Utility Planning Division, Department of Public Service, provided written testimony to the Sunset Advisory Commission on 10/6/22: [Clean Energy Development Board Completed Questionnaire](#)

*** Repeal of Vermont Telecommunications Authority ***

Sec. 138. REPEAL OF VERMONT TELECOMMUNICATIONS
AUTHORITY

- Clay Purvis, Director for Telecommunications and Connectivity at the Department of Public Service, provided written testimony to the Sunset Advisory Commission on 10/6/22: [VT Telecommunications Authority Completed Questionnaire](#)

*** Repeal and Transfer of Duties of Private Activity Bond Advisory Committee ***

Sec. 139. 32 V.S.A. § 994

- Authority transferred to the Treasurer (in coordination with the Secretary of Administration, the Secretary of Commerce and Community Development, and any bond issuing authority of the State or instrumentality of the State that is eligible to issue private activity bonds)
- Justin St. James, General Counsel, Treasurer's Office, provided written testimony to the Sunset Advisory Commission on 9/21/22: [Private Activity Bond Advisory Committee Completed Questionnaire](#)

*** State Ethics Commission Report on Municipal Ethics ***

Sec. 139a. REPORT ON MUNICIPAL ETHICS

- Requires the State Ethics Commission report back by January 15, 2024, with recommendations for creating a framework for municipal ethics in Vermont.

*** Effective Dates ***

Sec. 140. EFFECTIVE DATES

- This act shall take effect on passage, *except*:
 - o Sec. 117, amending 18 V.S.A. § 4234, shall take effect on July 2, 2023 because there is pending amendment language that will become effective on July 1, 2023; and
 - o Sec. 137, amending 30 V.S.A. § 8015, shall take effect on June 30, 2027, the sunset date for this board.